



**Keith J. Gutstein, Esq.**  
Email: [KGutstein@kdvlaw.com](mailto:KGutstein@kdvlaw.com)

**Erika H. Rosenblum, Esq.**  
Email: [ERosenblum@kdvlaw.com](mailto:ERosenblum@kdvlaw.com)

Kaufman Dolowich & Voluck, LLP  
135 Crossways Park Drive, Suite 201  
Woodbury, New York 11797  
Telephone: 516.681.1100  
Facsimile: 516.681.1101  
[www.kdvlaw.com](http://www.kdvlaw.com)

August 4, 2020

**VIA ECF**

Magistrate Judge James Orenstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Morris Maya v. Leader Auto Group LLC and Jordan Daiagi**  
**Index No.: 19-cv-05801 (KAM)(JO)**

Dear Judge Orenstein:

This office represents Defendants, Leader Auto Group LLC and Jordan Daiagi (collectively, “Defendants”) in the above-referenced matter. Defendants respectfully request that this matter be immediately dismissed given the Plaintiff’s failure to comply with Your Honor’s May 6, 2020 Order.

By way of background, on May 5, 2020, the Parties jointly submitted a letter motion advising the Court of Plaintiff’s unfortunate passing and requesting an extension of time to complete discovery. On May 6, 2020, the Court denied the Parties’ request and advised that “a successful motion for substitution by the decedent’s representative or successor” was required by August 3, 2020. The Court further advised that “if no such motion is made, dismissal” is warranted. We immediately forwarded the Court’s Order to opposing counsel, Mr. William Rita. We also provided the Order to Ms. Elizabeth Foster, an attorney who Mr. Rita advised was his co-counsel on this case. **Exhibit A.** Shortly thereafter, we were informed that Mr. Rita’s “services are not desired by the Plaintiff’s widow” and he directed us to speak with Ms. Foster directly. **Exhibit B.** Just last week, we spoke with opposing counsel regarding this case and, again, advised that she should comply with the May 6, 2020 Court Order.

Magistrate Judge James Orenstein

August 4, 2020

Page **2** of **2**

To date, Mr. Rita has not submitted a motion to withdraw as counsel nor has a motion for substitution been filed. Moreover, discovery has not commenced. As such, Defendants respectfully request that this matter be dismissed in its entirety in accordance with Your Honor's May 6, 2020 Order.

Respectfully yours,  
Kaufman Dolowich & Voluck, LLP

A handwritten signature in dark ink, appearing to be 'KG' followed by a horizontal line, representing Keith Gutstein.

Keith Gutstein  
Erika Rosenblum

cc: All Counsel, by ECF